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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT PAPER NUMBER

2167

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/079,741

Applicant(s)

KWOK ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) 9, 10 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Application 10/079741 filed on 2/19/2002 has been examined. Claims 1-37 are pending in this Office Action.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 119(e) based on the provision application 60/271012 filed on 2/22/2001.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 26-33, 35 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As per the specification on page 29 line 2-27 does not support the first

word stack, second word stack and third word stack as well as first handwriting recognizer, second handwriting recognizer.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-33 and 36-37 are rejected under 35 U.S.C. 101, because independent claims 1, 13 and 23 is directed to a method for comprising the steps and claim 16 is directed to a method for retrieving documents, whereas claims 36-37 are directed to an article for manufacture comprising a computer readable medium all non-statutory subject matter.

As per independent claims 1,13, 16 and 23 the preamble recites "A method" as drafted said claim is not technologically embodied to a computer, whereas the independent claims 36-37, the preamble recites a computer program code" as drafted said claim is not a non-tangible medium embodied to computer(See *In re Waldbaum*, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV 2(b), even though said claim is limited to a useful, concrete and tangible application (See *State Street v. Signature financial Group*,

149 F.3d at 1374-75, 47 USPQ 2<sup>nd</sup> at 1602 (Fed Cir. 1998); AT&T Corp. V. Excel, 50 USPQ 2<sup>nd</sup> 1447, 1452 (Fed. Cir. 1999).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-7, 12, 16, 19-22, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran (US Patent 6,202,060) hereinafter Tran, and in view of Piersol (US Patent 6,775,665) hereinafter Piersol.

9. As per independent claims 1, 34 and 36, Tran teaches the claimed step of “creating a document stack from at least one word in a handwritten document” as at step 504 in the event the responsive documents have been located the agent checks for other agents to call for and at step will respond to the handwritten documents and intelligently performs the requested action (Fig. 22, col. 31 line 66 to col. 32, line 16). Further, Tran teaches the claimed step of “creating a query stack from a query” as NBC will use the existing query (Fig. 1, col. 10, lines 16). Further, Tran does not explicitly teach determining the measure between document and query stacks. However, Piersol teaches the claimed step of “determining a measure between the document stack and the query stack” (Fig. 8, 9A, col. 13, lines 20-31 and lines 54-59). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Piersol's teachings would have allowed Tran's method to score or measure between the document stack and the query stack whereby queries formulated for searching electronic document databases often contain search criteria specific to document content, as well as document creation date and/or time ranges (col. 1, lines 42-44). Tran also teaches the other limitations of claims 34 and 36, “processor and computer readable medium” as the processor is connected to ROM and RAM (Fig. 1, col. 5, lines 12-27).

10. As per dependent claim 2, Tran teaches the claimed step of “the at least one word comprises a plurality of words, the document stack corresponds to one of the plurality of words in the handwritten document, the query comprises a plurality of query

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words and at least one operator, the query stack corresponds to one of the plurality of query words, and the step of determining a measure farther comprises the step of, for each query stack, determining a measure between the query stack and each document stack in the handwritten document” as query will have at least an operator (Fig. 1, col. 10, lines 20-23).

11. As per dependent claims 3 and 19, Piersol teaches the claimed step of “each document stack comprises a plurality of document scores, and wherein the method further comprises the step of optimizing each of the document scores for the document stacks” Fig. 9A, col. 13, lines 55-59).

12. As per dependent claims 4 and 20, Piersol teaches the claimed step of “the measure quantifies an amount of similarity between the document stack and the query stack” as a mechanism by which a user may add selected documents (col. 13, lines 20-23).

13. As per dependent claim 5, Tran teaches the claimed step of “the query is handwritten, typewritten, or partially handwritten and partially typewritten” the processor accepts handwritings as an input medium from the user (Fig. 1, col. 10, lines 17-18).

14. As per dependent claims 6 and 21, Piersol teaches the claimed step of “the query is typewritten, and wherein the step of creating a query stack comprises creating

a query stack for each query word of the query, wherein each query stack comprises a corresponding word from the query and an associated high word score for this word, and wherein each query stack comprises a plurality of other words having zero word scores associated therewith" as if a query is added to the stack, the HTML page representing the query is appended to the stack (col. 13, lines 27-29).

15. As per dependent claims 7 and 22, Piersol teaches the claimed step of "the query is typewritten, and wherein the step of creating a query stack comprises creating a query stack for each query word of the query, wherein each query stack comprises a corresponding word from the query and an associated high word score for this word, and wherein each query stack comprises at least one other word having a small word score associated therewith" (Fig. 9A, col. 13, lines 54-59).

16. As per dependent claim 12, Piersol teaches "the step of determining a document score for the handwritten document by using the measure" (Fig. 8, 9A, col. 13, lines 20-31 and lines 54-59).

17. As per independent claim 16, Tran teaches the claimed step of "creating at least one query stack from a query comprising one or more words, wherein each word is handwritten or typed" as at step 504 in the event the responsive documents have been located the agent checks for other agents to call for and at step will respond to the handwritten documents and intelligently performs the requested action (Fig. 22, col. 31



line 66 to col. 32, line 16). Further, Tran teaches the claimed step of “selecting a handwritten document from the set of handwritten documents” as pre-selector receives the output and queries of the voice feature extractor and queries the dictionary to compile (Fig. 1, col. 15, lines 42-45). Tran teaches the claimed step of “selecting a document stack from the selected handwritten document” as pre-selector receives the output and queries of the voice feature extractor and queries the dictionary to compile (Fig. 1, col. 15, lines 42-45). Further, Tran teaches the claimed step of “selecting the subset of handwritten documents for display by using the document scores” as a display LCD panel is provided to capture the handwriting (Fig. 1, col. 10, 17-23). Further, Tran does not explicitly teach determining the measure between document and query stacks. However, Piersol teaches the claimed step of “determining a measure between the at least one query stack and the selected document stack” (Fig. 8, 9A, col. 13, lines 20-31 and lines 54-59). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Piersol's teachings would have allowed Tran's method to score or measure between the document stack and the query stack whereby queries formulated for searching electronic document databases often contain search criteria specific to document content, as well as document creation date and/or time ranges (col. 1, lines 42-44). Piersol teaches the claimed step of “scoring each of the handwritten documents in the set of handwritten documents by using the query and the measures, thereby creating a number of document scores” (Fig. 8, 9A, col. 13, lines 20-31 and lines 54-59).

18. Claims 8, 11, 13-15, 17-18, 23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran (US Patent 6,202,060) hereinafter Tran, in view of Piersol (US Patent 6,775,665) hereinafter Piersol and in view of Keith (US Patent 6,629,097).

19. As per dependent claims 8 and 23, Tran and Piersol do not explicitly teach any scoring methods. However, Keith teaches "the measure is selected from the group consisting of a dot product measure, an Okapi measure, a score-based keyword measure, a rank-based keyword measure, a measure using n-grams, and a measure using edit distances" (col. 20, lines 20-26). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Keith's teachings would have allowed Tran's method for extracting inherent and implicit conceptual relationships and semantic associations existing among items in a data set (col. 16, lines 12-14).

20. As per dependent claims 11 and 25, Tran and Piersol do not explicitly teach any scoring methods. However, Keith teaches "each of the query and document stacks comprises a plurality of words, wherein the measure uses edit distances to compare words in the query stack to words in the document stack" (col. 20, lines 20-26). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Keith's teachings would

have allowed Tran's method for extracting inherent and implicit conceptual relationships and semantic associations existing among items in a data set (col. 16, lines 12-14).

21. As per independent claim 13, Tran teaches the claimed step of "creating a document stack from at least one word in a text document" as at step 504 in the event the responsive documents have been located the agent checks for other agents to call for and at step will respond to the documents and intelligently performs the requested action (Fig. 22, col. 31 line 66 to col. 32, line 16). Further, Tran teaches the claimed step of "creating a query stack from a query" as NBC will use the existing query (Fig. 1, col. 10, lines 16). Further, Tran does not explicitly teach determining the measure between document and query stacks. However, Piersol teaches the claimed step of "determining a measure between the document stack and the query stack" Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Piersol's teachings would have allowed Tran's method to score or measure between the document stack and the query stack whereby queries formulated for searching electronic document databases often contain search criteria specific to document content, as well as document creation date and/or time ranges. Tran and Piersol do not explicitly teach scoring the based on the measure. However, Keith teaches the claimed step of "scoring the documents based on the measure, thereby creating a document score" (col. 20, lines 20-26). Keith teaches the claimed step of "displaying each document whose document score meets a predetermined threshold" (col. 25, lines 30-39). Thus, it would have been obvious to one

of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Keith's teachings would have allowed Tran's method for extracting inherent and implicit conceptual relationships and semantic associations existing among items in a data set (col. 16, lines 12-14).

22. As per dependent claim 14, Tran teaches the claimed step of "the query is a handwritten query" as at step 504 in the event the responsive documents have been located the agent checks for other agents to call for and at step will respond to the handwritten documents and intelligently performs the requested action (Fig. 22, col. 31 line 66 to col. 32, line 16).

23. As per dependent claim 15, Tran teaches the claimed step of "the query is a typewritten query" as at step 504 in the event the responsive documents have been located the agent checks for other agents to call for and at step will respond to the handwritten documents and intelligently performs the requested action (Fig. 22, col. 31 line 66 to col. 32, line 16).

24. As per dependent claim 17, Tran and Piersol do not explicitly teach scoring the based on the measure. However, Keith teaches the claimed step of "the step of selecting handwritten documents that are above a predetermined threshold" as threshold of entities (col. 25, lines 25-36). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of

the cited references because Keith's teachings would have allowed Tran's method for extracting inherent and implicit conceptual relationships and semantic associations existing among items in a data set (col. 16, lines 12-14).

25. As per dependent claim 18, Tran and Piersol do not explicitly teach scoring the based on the measure. However, Keith teaches the claimed step of "the predetermined threshold is selected from the group consisting of a rank threshold and a score threshold" as percentage threshold of entities which must be associated with a given term (col. 25, lines 25-36). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Keith's teachings would have allowed Tran's method for extracting inherent and implicit conceptual relationships and semantic associations existing among items in a data set (col. 16, lines 12-14).

26. Claims 26-33, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran (US Patent 6,202,060) hereinafter Tran, and in view of Platt et al. (US Patent 5,812,698) hereinafter Platt.

27. As per independent claims 26, 35 and 37, Tran teaches the claimed "creating a first word stack, by using a first handwriting recognizer, from at least one word, creating a second word stack, by using a second handwriting recognizer, from the at least one word and comparing the first and second word stacks with a third word stack to

determine whether a handwritten document should be retrieved” as at step 504 in the event the responsive documents have been located the agent checks for other agents to call for and at step will respond to the handwritten documents and intelligently performs the requested action (Fig. 22, col. 31 line 66 to col. 32, line 16). Tran does not explicitly teach using a handwriting recognizer. However, Platt teaches handwriting recognizing system using the input device as tablet on which characters are formed using a pen-like stylus (Fig. 1, col. 3, line 66 to col. 4, line 3). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Platt’s teachings would have allowed Tran’s method for recognizing handwriting characters which will enable recognizing a wide variety of handwriting styles (col. 2, lines 36-38). Tran also teaches the other limitations of claims 35 and 37, “ processor and computer readable medium” as the processor is connected to ROM and RAM (Fig. 1, col. 5, lines 12-27).

28. As per dependent claim 27, Platt teaches the claimed “the at least one word is at least one handwritten word from the handwritten document, the first word stack comprises a first document stack, the second word stack comprises a second document stack and the third word stack is a query stack determined from at least one query word” the expert system’s set of rules (Fig. 20, col. 20, lines 37-47).

29. As per dependent claim 28, Tran teaches the claimed “the at least one word is at least one word from a query; the first word stack comprises a first query stack, the

second word stack comprises a second query stack, and the third word stack is a document stack determined from at least one handwritten word in the handwritten document” as NBC will use the existing query (Fig. 1, col. 10, lines 16).

30. As per dependent claim 29, Platt teaches the claimed “configuring a handwriting recognizer into a first configuration to create the first handwriting recognizer and configuring the handwriting recognizer into a second configuration to create the second handwriting recognizer, wherein the first and second configuration are different” (Fig. 9, Table 1, col. 10, lines 15-42).

31. As per dependent claim 30, wherein the first configuration comprises a configuration caused by selecting a constraint from the group consisting essentially of an uppercase letter constraint, a lowercase letter constraint, a recognize digits constraint, a language constraint, a constraint wherein characters and words are recognized only if in a vocabulary, and a constraint wherein characters and words are hypothesized when not in a vocabulary, and wherein the second configuration comprises a configuration caused by selecting a constraint from the group consisting essentially of an uppercase letter constraint, a lowercase letter constraint, a recognize digits constraint, a language constraint, a constraint wherein characters and words are recognized only if in a vocabulary, and a constraint wherein characters and words are hypothesized when not in a vocabulary” .

32. As per dependent claim 31, Tran teaches the claimed “merging the first and second word stacks to create a fourth word stack that is compared with the third word stack” as NBC will use the existing query (Fig. 1, col. 10, lines 16).

33. As per dependent claim 32, Platt teaches the claimed “the first handwriting recognizer has a first configuration, wherein the second handwriting recognizer has a second configuration, and wherein the first and second configurations are different” (Fig. 16, col. 16, line 26-64).

34. As per dependent claim 33, Platt teaches the claimed “the first configuration comprises a configuration caused by selecting a constraint from the group consisting essentially of an uppercase letter constraint, a lowercase letter constraint, a recognize digits constraint, a language constraint, a constraint wherein characters and words are recognized only if in a vocabulary, and a constraint wherein characters and words are hypothesized when not in a vocabulary, and wherein the second configuration comprises a configuration caused by selecting a constraint from the group consisting essentially of an uppercase letter constraint, a lowercase letter constraint, a recognize digits constraint, a language constraint, a constraint wherein characters and words are recognized only if in a vocabulary, and a constraint wherein characters and words are hypothesized when not in a vocabulary” (Fig. 16, col. 16, line 41-64).



***Allowable Subject Matter***

35. Claims 9-10, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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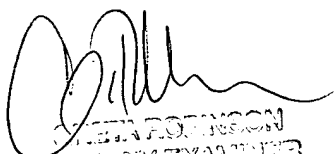
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*SRP*  
Sathyanarayan Pannala  
Examiner  
Art Unit 2167

srp  
March 18, 2005

  
SATHYANARAYAN PANNALA  
EXAMINER